



New Jersey Department of Children and Families Policy Manual

Manual:	NJAC	NJ Administrative Code Excerpts	Effective Date:
Title	10	Human Services	
Chapter	121	Adoptions	12/7/2011
Subchapter:	1	Adoption Subsidy	
Section	2	Determining that a child is a special needs child (N.J.A.C. 10:121-1.2)	

§10:121-1.2 Determining that a child is a special needs child

(a) A Department representative shall determine that a child is a special needs child for any of the following reasons:

1. Any medical or dental condition which will require repeated or frequent hospitalization or treatment;
2. Any physical handicap, by reason of physical defect or deformity, whether congenital or acquired by accident, injury or disease, which makes or may be expected to make a child totally or partially incapacitated for education or for remunerative occupation;
3. Any substantial disfigurement, such as the loss or deformation of facial features, torso or extremities;
4. A diagnosed emotional, mental health or behavioral problem, psychiatric disorder, serious intellectual incapacity or brain damage which seriously affects the child's ability to relate to his or her peers or authority figures, including, but not limited to, a developmental disability;
5. The child is one of a group of three or more siblings (including half-siblings) and the siblings are placed together, or the child is one of two siblings (including half-siblings) one of whom meets the special needs criteria, and it is considered most appropriate that the children be placed together;
6. The child is 10 years old or older;
7. The child is over two years of age and a member of an ethnic or minority group for whom adoptive homes are not readily available. Information regarding availability of homes may be obtained from the Department;
8. The child is over five years of age and has been living with a resource parent for at least 12 months and adoption by the resource parent is the most appropriate plan for the child. A child under five may be

deemed special needs and qualify for subsidy under this subsection if he or she is a member of an ethnic or minority group for whom adoptive homes are not readily available; or

9. Any other condition of a specific child which may be approved by the DYFS Director or designee.